



**Terminal Disclaimer  
To Obviate A  
Provisional Double Patenting  
Rejection Over A Pending  
"Reference" Application**

Application #	10/091,494
Confirmation #	2645
Filing Date	7 March 2002
First Inventor	PATTI et al.
Art Unit	1645
Examiner	Portner
Docket #	P06331US02/BAS

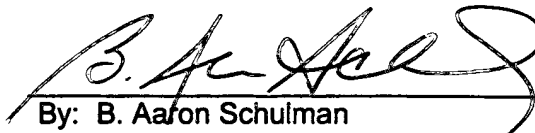
The owner<sup>+</sup>, Inhibitex, Inc.; The Provost Fellows and Scholars of The College of the Holy and Undivided; and The Texas A&M University System, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Publication Nos. 20040038327; 20030099656; and 20040006209, filed on February 26, 2004; May 29, 2003; and January 8, 2004; respectively, as such term is defined in 35 USC §154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC §154 and 173 of any patent granted on the reference application, as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on said pending reference application, in the event that any such granted patent on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included by CREDIT CARD (PTO-2038).

The undersigned is an attorney of record.

Date: 16 February 2005

  
By: B. Aaron Schulman  
Registration No.: 31,877

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Customized PTO/SB/26 (10-04)

**TERMINAL DISCLAIMER  
TO OBVIATE A  
DOUBLE PATENTING REJECTION  
OVER A "PRIOR" PATENT**

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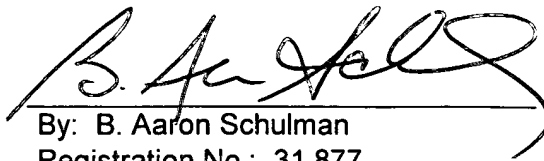
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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC §154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer", in the event that said prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

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